

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 6448 of 2005(P)

PETITIONER:

VISWANATHAN, S/O.UNNIKRISHNAN NAMBIAR,
SURABHI, AGALI, ULIKKADAVU, MANNARKKADU,
PALAKKAD.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:

1. STATE OF KERALA, REP. BY THE CHIEF
SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.
2. THE PROJECT OFFICER, ITDP, AGALI,
ATTAPPADI, PALAKKAD.
3. THE SECRETARY, BLOCK PANCHAYATH
ATTAPPADI, PALAKKAD.
4. THE DISTRICT COLLECTOR,
PALAKKAD.
5. THE ASSISTANT EXECUTIVE ENGINEER,
ITDP PROJECT, AGALI, ATTAPPADI, PALAKKAD.
6. THE ASSISTANT ENGINEER,
ITDP PROJECT, AGALI, ATTAPPADY,
PALAKKAD.
7. THE TAHSILDAR,
MANNARKADU TALUK, PALAKKAD.
8. THE VILLAGE OFFICER,
PADAVAYAL VILLAGE, MANNARKKADU TALUK,
PALAKKAD.

BY GOVERNMENT PLEADER SMT. SMITHA SUKUMARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE PHOTOCOPY OF THE NOTICE DATED 29.11.1997 ISSUED BY THE FIRST RESPONDENT.

EXT.P2 TRUE PHOTOCOPY OF THE REQUEST LETTER DATED 10.12.1997 SENT BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P3 TRUE PHOTOCOPY OF THE LETTER DATED 10.7.2003 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.

EXT.P4 TRUE PHOTOCOPY OF THE LETTER DATED 24.7.2003 SENT BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P5 TRUE PHOTOCOPY OF THE DEMAND NOTICE DATED 12.7.2004

EXT.P6 TRUE PHOTOCOPY OF THE NSOTICE DATED 12.7.2004 IN FORM NO.1 UNDER SECTION 7 OF THE RR ACT.

EXT.P7 TRUE PHOTOCOPY OF THE ORDER.

EXT.P8 TRUE PHOTOCOPY OF THE NOTICE DATED 3.3.2006

EXT.P9 TRUE PHOTOCOPY OF THE SALE NOTICE ISSUED UNDER SECTION 49 OF THE REVENUE RECOVERY ACT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 6448 OF 2005

Dated this the 26th day of November, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of compensation towards loss sustained by the Government on account of petitioner's failure to complete the construction of the road for which he was given an advance of Rs. 1.44 lakhs. Road project was under the Tribal Development Scheme at Attappady. Even though petitioner, as convenor of a committee, was awarded the work, petitioner did not complete the work and therefore entire advance was sought to be recovered with interest. Petitioner deposited Rs. 50,000/- under interim orders of this Court. The work was awarded in 1996 and obviously it was not completed within the time granted. However, strangely even after cancellation of the award of work to the petitioner, respondents have not cared to get the work completed. In the circumstances, I feel, petitioner can be granted further three months' time from today to complete the project as he has undertaken in Court to complete the work. I make it clear that time is granted on condition that petitioner

will not be entitled to any cost escalation. However, if work is completed by the petitioner to the satisfaction of the evaluating officer, that is fifth respondent, second respondent will release full payment including the amount deposited by the petitioner after full completion of the work certified by the fifth respondent. However, if the work is not completed at least by 28.2.2008, respondents will be free to recover the balance amount from the petitioner. Revenue recovery proceedings, including confirmation of sale will be kept in abeyance till 28.2.2008 for the petitioner to complete the work and if the work is completed by 28.2.2008, sale of the property will be revoked and the amount deposited will be refunded to the purchaser. Whatever assistance required from the department as conceived in the original contract should be extended to the petitioner.

W.P. is disposed of as above.

Issue photocopy tomorrow itself.

(C.N. RAMACHANDRAN NAIR)
Judge

